

1627. *November 20.* CORSBIE *against* FINDLAY.

THE cautioner of a curator may be decerned at the instance of a minor; but no execution should be granted against the cautioner, till first the principal, viz. the curator, be discussed.

*Page 28.*

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1627. *November 20.* LAIRD LOCKIE *against* CUNINGHAME.

A BOND, subscribed by two notaries and three witnesses, found null by reduction;—because it wanted the four witnesses conform to the Act of Parliament, James VI, Par. 6, cap. 80.

*Page 142.*

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1627. *November 23.* CARUTHERS *against* JOHNSTOUN.

IN an improbation, the defender craves a diligence for writs in general, because the summons of improbation was general. The Lords would not sustain the diligence, except the defender condescended upon the particular writs to be contained in the diligence.

*Page 52.*

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1627. *December 5.* PATRICK FINDLAY *against* The EXECUTORS of CORSBIE.

A CAUTIONER of a curator, pursued by minors, alleged he cannot be pursued upon the act of curatory, because the pursuers had other curators chosen to them of before, and another cautioner found by the former act;—which first act of curatory behoved to stand, while it had been reduced conform to the Act of Parliament, Mar. Par. 6, cap. 35. The Lords repelled the exception *hoc loco*.

*Page 28.*

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1627. *December 5.* HINDRICK *against* JAMES DICKSON.

THE husband subscribes a charter to his wife, of certain lands, *stante matrimonio*, but gives no infeftment *stante vita*; but, after his decease, she intromits with her husband's writs, and finds the charter amongst the rest. The husband's brother, succeeding to him as heir, charges the relict to deliver the house and place. She defends, and, moving other defences, alleges, that she should bruik by virtue of the said charter. It was replied, That the charter was never de-